

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAJ CHRISTOPHER GUPTA,

Plaintiff,

No. CIV S-00-1095 GEB GGH P

vs.

C.A. TERHUNE, et al.,

Defendants.

ORDER

On April 28, 2005, the court recommended that this action be dismissed for plaintiff's failure to keep the court apprised of his current address. On May 4, 2005, plaintiff filed an opposition to defendants' summary judgment motion filed March 10, 2005. Because plaintiff has demonstrated an interest in prosecuting this action, the findings and recommendations are vacated. Plaintiff is cautioned that it is his duty to file a notice of change of address when his address changes.

The record of this case demonstrates a repeated failure by both parties to comply with deadlines. If either party again fails to meet a court ordered deadline, sanctions will be issued.

Accordingly, IT IS HEREBY ORDERED that:

1. The April 28, 2005, findings and recommendations are vacated;

1 2. The Clerk of the Court is directed to amend court records to reflect plaintiff's
2 new address contained in his May 4, 2005, pleading;

3 3. Defendants' summary judgment motion filed March 10, 2005, is submitted.

4 DATED: 5/16/05

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6 /s/ Gregory G. Hollows

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8 GREGORY G. HOLLOWS
9 UNITED STATES MAGISTRATE JUDGE

GGH:kj
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